

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

INDIANA FARM BUREAU INSURANCE)
as subrogee of Wysong Farms Inc.,)
Plaintiff,)
v.) Case No. 1:21-cv-00248-SLC
HOMAN, INC., *et al.*,)
Defendants.)

ORDER

Before the Court is Plaintiff's motion to remand this case to the Noble Circuit Court filed on July 15, 2021. (ECF 18). Defendant Homan, Inc. ("Homan"), has now filed a response, indicating that it has no objection to the motion to remand. (ECF 22).

As background, Plaintiff filed this action in the Noble Circuit Court on June 8, 2021, against Homan, who subsequently removed it here on the basis of diversity of citizenship pursuant to 28 U.S.C. § 1332, alleging that Plaintiff is an Indiana citizen and Defendant is an Ohio citizen and more than \$75,000 is in controversy.¹ (ECF 1, 8, 11, 21). On June 28, 2021, Homan filed a motion to partially dismiss the case pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF 6). In response, on July 15, 2021, Plaintiff filed an amended complaint as a matter of course, naming Jonus Hilty, an Indiana citizen, as an additional Defendant. (ECF 17); *see* Fed. R. Civ. P. 15(a)(1)(B) (providing that a party may amend its pleading once as a matter of course within twenty-one days after service of a Rule 12(b) motion). Together with the amended

¹ The parties consented to the reassignment of this case to the undersigned Magistrate Judge for all purposes pursuant to 18 U.S.C. § 636(c). (ECF 16).

complaint, Plaintiff filed the instant motion to remand on the basis that adding Hilty as a Defendant destroyed diversity jurisdiction. (ECF 18). Homan has now filed a response, stating that it “cannot object to remand on the basis that Hilty destroys diversity and this Court’s subject matter jurisdiction.” (ECF 22 ¶ 2).

Accordingly, because Plaintiff’s amended complaint destroyed diversity jurisdiction, the Court GRANTS Plaintiff’s unopposed motion to remand (ECF 18) and REMANDS this case to the Noble County Circuit Court. The preliminary pretrial conference set for July 27, 2021, is VACATED.

SO ORDERED.

Entered this 23rd day of July 2021.

/s/ Susan Collins
Susan Collins
United States Magistrate Judge